

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/KK

RIO CHAMA STREAM SYSTEM

Section 7: Rito de Tierra Amarilla

**NOTICE OF PROPOSED PARTIAL FINAL JUDGMENT AND DECREE ON SURFACE
WATER IRRIGATION RIGHTS IN THE RITO DE TIERRA AMARILLA
SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM**

Parties of record in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System (“Tierra Amarilla Subsection”) are hereby notified that the State of New Mexico has prepared a *Proposed Partial Final Judgment and Decree on Surface Water Irrigation Rights in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System* (“proposed Decree”) to be filed in the United States District Court. The Rito de Tierra Amarilla Subsection includes the watershed of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

Orders adjudicating the water rights of defendants in the Tierra Amarilla Subsection for surface water irrigation uses, as against the State of New Mexico, have previously been entered for all subfiles in this section. An *inter se* proceeding in the Tierra Amarilla Subsection is required to provide all persons with water rights in the Tierra Amarilla Subsection the opportunity to file objections to the adjudication of the water rights of other persons in these subfiles. This process will lead to the entry of a Partial Final Judgment and Decree (“Final

Decree") that will represent the final adjudication of all claims for surface water irrigation rights in the Tierra Amarilla Subsection. The Final Decree will not determine or affect claims to groundwater or stockwatering uses in the Tierra Amarilla Subsection.

If you have water rights in the Tierra Amarilla Subsection that may be affected by any of the provisions of the proposed Decree, you have the right to file *inter se* objections to the adjudication of any of the water rights detailed in the proposed Decree, except for your own rights, and offer evidence to the Court in support of those objections. **Claimants may not now file objections to the previous determination of their own surface water irrigation rights.**

The Court's previous determination of priority dates and irrigation water requirements by Orders filed on June 7, 2011 (Doc. 10153) and January 18, 2018 (Doc. 11316) respectively, are binding on all claimants, known and unknown, diverting and using water in the Tierra Amarilla Subsection. **Persons using surface or underground water in the Tierra Amarilla Subsection may not now object to the determination of priority dates and irrigation water requirements of the surface water irrigation rights described in the proposed Decree.**

Copies of the proposed Decree with an Addendum that summarizes the water rights adjudicated in subfile orders, and hydrographic survey maps showing the location of all tracts described in the Addendum, are available for inspection at the Office of the Rio Arriba County Clerk in Tierra Amarilla and in Española. Copies are also available for inspection at the Federal District Court in Santa Fe and in Albuquerque, at the UNM School of Law, and at the Office of the State Engineer at the following addresses:

Office of the Clerk
United States District Court
106 South Federal Place
Santa Fe, New Mexico

Office of the Clerk
United States District Court
333 Lomas Blvd. NW
Albuquerque, New Mexico

Joe M Stell Ombudsman Program at Utton Center
UNM School of Law
1117 Stanford NE, Room 1216
Albuquerque, New Mexico

Office of the State Engineer
Water Resource Allocation Program
Bataan Memorial Building, Room 102
Santa Fe, New Mexico

The proposed Decree and the Addendum are also available on the Office of the State Engineer's website (www.ose.state.nm.us).

This *inter se* proceeding will be the only opportunity to file objections to the determination of surface water irrigation rights described in the proposed Decree, and **all persons having water rights in the Tierra Amarilla Subsection will be bound by the outcome of the proceedings to resolve *inter se* objections.**

If you do not wish to object to the determination of water rights of other individuals, as described in the proposed Decree and Addendum, you do not need to take any further action. If no *inter se* objections are filed with the Court, you will be bound by the provisions of the proposed Decree. If *inter se* objections are filed by any persons, you may participate in the proceedings to resolve those objections as described below.

HOW TO FILE AN OBJECTION

If you wish to object, you or your attorney must file an objection with the United States District Court for the District of New Mexico. Objections must be filed in person or by mail to

be received by the Court **no later than** _____(90 days from entry of procedural order), at the following address:

Office of the Clerk
United States District Court
333 Lomas Blvd. NW, Suite 270
Albuquerque, New Mexico

All objections must have a caption identifying the Case and Case Number (69cv07941-MV/KK) and must: 1) contain the subfile number of the water right objected to, 2) identify the defendant associated with that water right, 3) provide a brief explanation of the reason for the objection, 4) describe your own water rights in the Tierra Amarilla Subsection, and 5) be signed by the person making the objection. A blank form (entitled “*Inter Se* Objection to Surface Water Irrigation Rights”) that may be used for this purpose is included with this notice, and will also be made available to the public at the locations described above and on the Office of the State Engineer website.

If you timely file an *inter se* objection, the State will send you its proposed scheduling and pretrial order which will set forth the procedure and schedule for resolving *inter se* objections. You will have fourteen days to file a response to the State’s proposed scheduling and pretrial order.

HOW TO PARTICIPATE IN *INTER SE* PROCEEDINGS

If you have water rights in the Tierra Amarilla Subsection, you may participate in the proceedings to resolve *inter se* objections whether or not you file an *inter se* objection. If any *inter se* objections are timely filed, the State will prepare a report that summarizes all objections and make the report available for public inspection at the locations described above **no later than** _____ (120 days after entry of procedural order). Persons that elect to participate

in the proceedings to resolve *inter se* objections must file a notice of intent to participate with the Court **no later than** _____ (150 days after entry of procedural order). Blank forms (entitled “Notice of Intent to Participate in *Inter Se* Proceedings”) that may be used for this purpose will be made available with the report that summarizes *inter se* objections.

FOR ADDITIONAL INFORMATION

If you have any questions, call or write:

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KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE